IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 5621 of 2007(T)

AS.115/2003 of SUB COURT, OTTAPPALAM

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PETITIONER:

KALI AMMAL, W/O. LATE CHADAYAPPA
KOUNDER, AGED 61 YEARS, KAVUNDIKAL,
PARAPPANTHARAYIL, AGALI AMSOM DESOM,
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.O.P.NANDAKUMAR
SRI.V.A.AJAI KUMAR

RESPONDENTS:

S.V.BALASUBRAMANIAN, AGED 62 YEARS,
S/O. VENKITTARAMAN CHETTIAR, THAVALAM,
KARUVADATH, AGALI VILLAGE, MANNARKKAD TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.5621 OF 2007

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Dated this the 20th day of February 2007

JUDGMENT

The grievance of the petitioner highlighted before me is that against Ext.P1 money decree appeal was filed by the petitioner/defendant as A.S.115/2003 before the Sub Court, Ottapalam; that vide Ext.P2 order stay of execution is granted on condition that the petitioner has to produce their title deeds before the execution court within one week; that the petitioner could not produce the original title deed as it had been produced before the Bank and consequently delay occurred in getting back the original document from the bank and that the prayer made vide Ext.P3 to extend time has been rejected by the first appellate court vide Ext.P4 order and the stay petition itself was dismissed vide Ext.P5 order refusing to grant any extension of time to produce the original title deed before the court. Counsel for the petitioner submits that the petitioner is ready to produce the title deed before court which has now been obtained from the Bank.

2. In the result, I direct the petitioner to surrender the title deed before the first appellate court in A.S.115/2003 positively, within one week from today. If the title document is produced in one week, the appellate court shall consider I.A.1611/03 afresh and for the purpose Ext.P5 order shall stand set aside on production of the title deed before court in A.S.115/03 within the aforesaid time.

This writ petition is disposed of with the above directions.

K.P.BALACHANDRAN, JUDGE

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